

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER

Crim. No. 15-49 (MJD/FLN)

Hamza Ahmed (01),

Defendant.

John Docherty, Andrew Winter, and Julie Allyn, Assistant United States Attorneys, Counsel for Plaintiff.

JaneAnne Murray, Murray Law LLC, Counsel for Defendant Hamza Ahmed.

This matter is before the Court on Defendant's motion for Discovery [Doc. No. 664]. Defendant seeks a copy of Daniel Koehler's complete risk assessment relating to him and the documents setting forth Koehler's risk assessment model.

By Order dated August 22, 2016, this Court ordered Defendant to undergo a presentence examination and study to evaluate risk assessment and recommended intervention needs for de-radicalization of defendants involved in terrorism related cases to be conducted through the U.S. Probation Office. The U.S. Probation Office contracted with Daniel Koehler to conduct such

presentence examination.

Rule 32(e)(3) of the Federal Rules of Criminal Procedure provides that by local rule or by order, the Court may direct the probation officer not to disclose to anyone other than the court the officer's recommendation on the sentence. Local Rule 83.10(d)(2) for the District of Minnesota provides that the probation officer "must submit a confidential sentencing recommendation to the court. Unless the court directs otherwise, the probation officer must not further disclose this recommendation."

Because the report by Daniel Koehler is part of the presentence report that was prepared pursuant to the Federal Rules and Local Rule 83.10(d)(2), the confidential report provided to the Court by Daniel Koehler will not be disclosed to the parties. The report will be part of the record submitted to the Eighth Circuit Court of Appeals should Defendant appeal his sentence.

With regard to Defendant's request for documents, Defendant has already been provided information as to the identity of the risk assessment models Koehler relied upon and the validation studies regarding those models. Further, pursuant to the Court Order of September 15, 2016, Koehler informed the parties that "the bases and reasons for this opinion represent an overall qualitative

assessment. They are not mainly based on structured standard assessment protocols but include elements of the VERA2 or ERG22+. The assessment is made as an expert, based on case worker experience and the available evidence.” The parties were also given the opportunity to question Koehler at length as to his methods and his opinions at the hearing before this Court on September 20 and 21, 2016.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion for Discovery [Doc. No. 664] is **DENIED**.

Date: October 5, 2016

s/ Michael J. Davis

Michael J. Davis

United States District Court